IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5678 of 2007()

CRMP.5530/2007 of J.M.F.C., ADOOR
C.R.NO.100/2007 OF ADOOR EXCISE RANGE

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PETITIONER/ACCUSED

JAGADAMMA,
MANALADIYIL VEEDU,
PERUMPULICKAL MURI, PANDALAMTHEKKAKARA
VILLAGE, ADOOR.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT/STATE

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.

2. EXCISE INSPECTOR,
ADOOR EXCISE RANGE, ADOOR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5678 of 2007

Dated this the 19th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 1.5 litres of arrack on 01/09/2007. She was arrested and continues in custody from that date.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner has three other cases under the Kerala Abkari Act registered against her.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court for bail at later stage of the investigation, not at any rate, prior to 01/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007